

Plan B: Limiting Terms by Statute

GOP Views Amendment's Failure As Issue Against Democrats in '96

By Helen Dewar and Kenneth J. Cooper
Washington Post Staff Writers

Advocates of congressional term limits regrouped yesterday after their defeat in the House and pledged to push for a statute to limit terms if a constitutional amendment fails in the Senate, as it did Wednesday in the House.

In the House and Senate, they vowed to make Democrats pay at the polls for their opposition to term limits, with some suggesting that it could be the decisive issue in next year's elections—a view largely discounted by Democrats.

It was less important that the amendment failed than that it created the "single . . . most determining issue" for the elections, said Sen. James M. Inhofe (R-Okla.). The vote created a "bench mark" for activists to use in the campaign, noted Rep. J. Dennis Hastert (R-Ill.).

Legislation to impose term limits or give states the authority to do so would be easier to pass than an amendment because it requires only a majority for passage rather than the two-thirds vote needed to change the Constitution.

The most widely supported of four proposed amendments fell 61 votes short in the House and would probably fail by a substantial margin in the Senate, its backers say.

But there are questions about the constitutionality of a term limits statute, even among Republicans. Senate Judiciary Committee Chairman Orrin G. Hatch (R-Utah) and the panel's ranking Democrat, Joseph R. Biden Jr. (Del.), said in separate interviews yesterday that they believe a statutory limitation would be unconstitutional.

"I think the Supreme Court would overturn a statute," Hatch predicted, although he said there might be a chance for legislation empowering states to impose term limits. Biden was more emphatic. "It's not constitutional and passing a statute saying it is doesn't make it so," he said.

Nearly a dozen Senate Republicans, most of them freshmen, expressed a contrary view at a news conference, insisting that there is an "acceptable body of thought," as Sen. Fred D. Thompson (R-Tenn.) put it, that the Constitution gives Congress the power to set term limits.

Asked why term limit advocates were trying to pass a constitutional amendment if a statute was sufficient, Sen. John D. Ashcroft (R-Mo.) said an amendment provides more "durability."

Ashcroft distributed a letter in which Senate Majority Leader Robert J. Dole (R-Kan.) said he is "committed to bringing term-limits legislation to the Senate floor for consideration as early as possible in the next six months, perhaps in June."

"If we don't have the votes for a constitutional amendment, I believe we'll be very close to having the votes for a statute," said Sen. Hank Brown (R-Colo.).

The Supreme Court is considering an Arkansas case involving whether states have constitutional authority to set term limits. A ruling in that case could come by late June. Some constitutional authorities believe Congress would have more authority than states to set limits, but the high court has never ruled on the issue of congressional action to restrict terms of its members.

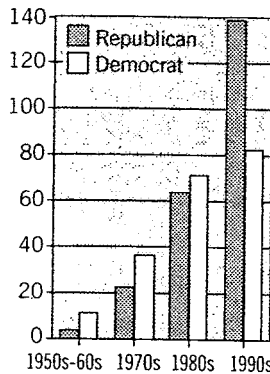
Senators said the Senate's vote may not come until after the Supreme Court rules in the Arkansas case in hopes it will shed some light on congressional powers. House Speaker Newt Gingrich (R-Ga.) said the House also could consider legislation later this year, depending on how the court rules.

"This issue is not going to go away," Gingrich said. He accused Democrats of "contempt . . . hostility . . . cynicism" toward the American people, while contending that

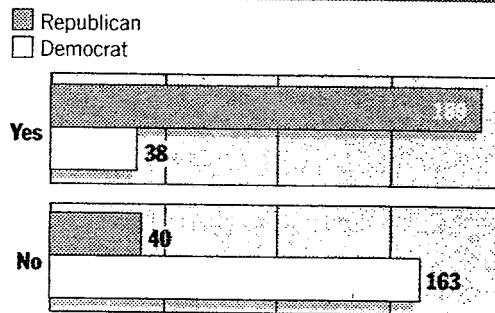
ANALYSIS OF TERM LIMITS VOTE

Republicans elected in 1992 or later were more likely to back a proposal for 12-year term limits. It received 227 votes in support and 204 against but fell short of a two-thirds majority Wednesday.

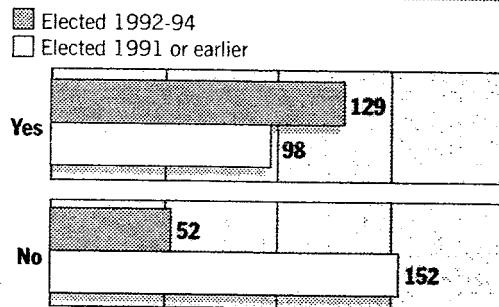
WHEN CURRENT HOUSE MEMBERS WERE ELECTED



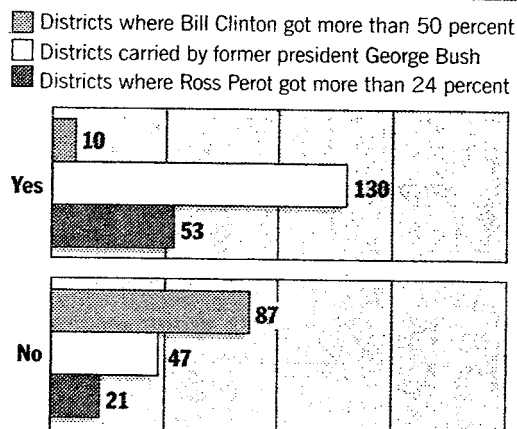
BY PARTY



BY LENGTH OF SERVICE



BY 1992 DISTRICT VOTING PATTERN



NOTE: One independent, Bernard Sanders of Vermont, also voted against term limits.

—Compiled by Ann O'Hanlon



SPEAKER NEWT GINGRICH

... "issue is not going to go away"



SEN. ORRIN G. HATCH

... court "would overturn a statute"



SEN. HANK BROWN

... "we'll be very close" to having votes

the 40 Republicans who voted against term limits did so out of principle.

But few Democrats appeared worried that the term limits issue would determine their political futures. Only 38 of the 204 Democrats supported a 12-year limit under the version that received the most votes. "I think people are not saying that term limits is the most important issue,"

House Minority Leader Richard A. Gephardt (D-Mo.) said. "They are saying the issues are jobs, standard of living, education, health care and crime. That is what they want progress on."

Told of Gephardt's remark, Gingrich replied, "I think he should quit meeting with Democratic consultants."

Staff writer Joan Biskupic contributed to this report.